

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Crl.Rev.Pet.No. 297 of 1999()

CC.288/1994 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KUNNAMKULAM
CRA.300/1997 of ADDL. SESSIONS COURT, THRISSUR
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REVN. PETITIONER:

PAUL.D.THARAKAN,
S/O.THARAKAN VEETIL DAVIS,
OLARI VILLAGE,
ELTHURUTH DESOM.

BY ADV. SRI.P.VIJAYA BHANU
SRI.S.R.MANOJ

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRLAMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER ON CRL.M.P. NO.1218 OF 1999 IN CRL. R.P. NO.297 OF 1999

DISMISSED

7.3.2007

SD/-
K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

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K.R.UDAYABHANU, J.

Crl. R. P. 297 of 1999

Dated this the 7th day of March, 2007

ORDER

The revision petitioner is convicted for the offence under Section 353 IPC and sentenced to undergo simple imprisonment for six months. The prosecution allegation is that on 17.4.93 while he was working as Clerk at Taluk Panchayath Office at Chavakkad he caught hold of the shirt collar of PW1, the Inspector of the District Panchayath Office, Thrissur, and voluntarily caused hurt to him, while PW1 was discharging his official duty. The court, after considering the evidence that consisted of the testimony of PWs1 to 8 Ext.P1 to P3, convicted the accused for the offence under Section 353 IPC although charge sheeted for the offence under Section 332 IPC. It is submitted that the revision petitioner is a UD Clerk. The counsel for the revision petitioner has sought only for the modification of sentence. It is pointed out that incident had taken place in April 1993 and so long he was faced with prosecution and impending imprisonment and that it incarcerated he would be rendered jobless.

2. In view of the fact that more than 13 years have lapsed

since the commencement of the proceedings, the sentence is modified to imprisonment till rising of the court and to pay a compensation of Rs.5,000/- to PW1, vide Section 357(3) Cr.PC and in default to undergo simple imprisonment of three months. The revision petition is disposed of accordingly. He shall appear before JFCM, Kottarakkara on 12.4.07 to receive sentence.

K.R.UDAYABHANU, JUDGE

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